

Catawba County Board of Commissioners  
Special Session, Monday, May 18, 2009

**Board of Commissioners**

Special Session – Justice Center Expansion/Public Safety Center Facility Plan Needs  
Assessment

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The Catawba County Board of Commissioners met in Special Session on Monday, May 18, 2009 at 4:00 p.m. in the 2<sup>nd</sup> Floor Meeting Room of the Government Center in Newton, North Carolina. The purpose of this Special Session was to receive a report from Steve Allen from the Solutions for Local Government Inc. on the proposed expansion of the Justice Center and addition of a new Public Safety Center for the County.

Present were Chair Katherine W. Barnes, Vice-Chair Lynn Lail and Commissioners Glenn E. Barger and Dan Hunsucker and Barbara Beatty who joined the meeting at 4:40 p.m.

Also present were County Manager J. Thomas Lundy, Assistant County Manager Lee Worsley, Assistant County Manager Dewey Harris, County Attorney Debra Bechtel, Deputy County Attorney Anne Marie Pease, Finance Director Rodney Miller, Emergency Services Director David Weldon, Chief Information Officer Terry Bledsoe, Sheriff David Huffman, Register of Deeds Donna Spencer, EMS Manager Bryan Blanton Telecommunications Administrator Jerry Boggs, Purchasing Agent Debbie Anderson and County Clerk Barbara Morris.

Also present were Judge Nathan Poovey, Clerk of Court Al Jean Bogle and AJ Coutu.

1. Chair Barnes opened the meeting at 4:05 p.m. She asked Finance Director Rodney Miller to kick off Mr. Allen's presentation with some background information. Mr. Miller presented the following history:

The Board of Commissioners had worked diligently for the last ten years to obtain authority from the North Carolina General Assembly for a wider range of revenue options, to avoid having to rely on the property tax. The Board felt that an increase in the sales tax was preferable to an increase in the property tax since the tax does not fall solely on county property owners. In addition to County property owners, revenue would be generated from those that live in the county but don't own property, as well as those who live outside the county and come here to visit, shop and work. Also, there is much more discretion on how much to pay and when regarding purchases subject to sales tax in contrast to the property tax that is paid one time per year based on the property one owns. Finally, a sales tax increase helps keeps property taxes lower, which helps existing businesses keep expenses down and provides an incentive for new business and industry to relocate and/or expand.

In the 2007 session of the General Assembly, legislators provided two new revenue options for counties, a ¼ cent sales tax or a land transfer tax, with both requiring a public referendum. Since the Land Transfer Tax would bring in less revenue and continue to over-burden property owners, the Board of Commissioners decided to pursue the ¼ cent sales tax, which would avoid a 3.6 cent property tax increase and generate revenue of approximately \$5 million annually. The additional revenue was planned to be used to meet pressing needs in the areas of economic development, education, public safety and water and sewer. The sales tax increase was placed on the November 6, 2007 ballot and was overwhelmingly approved by the voters, to be effective on April 1, 2008.

In the area of public safety, courtroom space (a county responsibility in North Carolina) is no longer adequate to accommodate growing caseloads currently in the court system. The existing facility was built in 1980, which houses all of the court functions as well as office and storage space for other State personnel such as the Clerk of Court and District Attorney.

Other public safety functions of the County need to be co-located in a single location to fulfill the County's Emergency Services Strategic Plan. These include the following:

A 911 Communications center, which would better allow staff to use the latest technologies to respond to emergencies. Lack of electrical power, inadequate space for equipment and only limited and expensive options for remodeling the existing space are available with the existing space.

An Emergency Operations Center (EOC) is needed due to an increase in staffing as a result of the NIMS system and the National Response Plan, which have severely cramped conditions in the current EOC. When fully active, the

County must split the EOC between two facilities, which creates concerns regarding command and control during an emergency. In fact, after a September 2006 drill, the Federal Emergency Management Agency cited the County due to inadequate space in the EOC.

A Newton-Conover Rescue facility is needed, which would replace a 57-year old existing facility and improve response times that are currently impeded due to traffic congestion and access into and out of the current facility.

The existing Newton EMS base is housed in a building built as a hospital in the 1930s. It was renovated in the 1980s to accommodate one ambulance and again in the 1990s for an additional ambulance and other minor renovations. In the last eight years, call volume has increased 45%, and the base now houses four ambulances, two primary and two as backup units. Finally, the co-locating of Emergency Services and Emergency Medical Services functions would improve efficiency in both of those areas.

In October 2007, the County contracted with Steve Allan (Solutions for Local Government) to update its facility plan for the Justice Center and determine space needs for the next twenty years for growth and optimize available space for the building to accommodate growing caseloads in the court system. In addition, the County requested a space needs assessment and facility program for a new Public Safety Center to include the functions above.

Over the course of the next year, interviews and meetings were held with Judge Brady, Judge Poovey, Judge Kincaid, Al Jean Bogle, Jay Gaither, Sheriff Huffman, Donna Spencer and their staff as well as representatives of Repay and Probation/Parole regarding the Justice Center expansion to insure all their needs were addressed. Likewise, similar interviews and meetings were held with David Weldon, Mark Pettit, Terry Bledsoe, Jerry Boggs and staff regarding the Public Safety Center. The report was finalized in late 2008 and presented to the respective court/judicial and public safety personnel above on January 26<sup>th</sup> and 30<sup>th</sup>, 2009, respectively, to gather their feedback and to hear any comments or concerns. They were each asked to provide any further comments to myself or Steve Allan directly by February 13, 2009 so a final report could be given to the Board of Commissioners. Several comments were made relating to the Justice Center expansion such as making the courtroom space flexible for any of the Court's needs, having ample conference room space for attorneys and/or Department of Social Services employees, and preserving several offices for the intake of cases. Finally, Judge Poovey suggested we take a longer term look at the facility, whereby we might spend more now on expansion of facilities, which would achieve savings in the long run. For example, the report includes plans for shelved space in the expansion that could be converted easily to court/office space when the need arises, yet without the need for major construction work. All of the comments/suggestions above have been incorporated into the report.

In light of the current economic recession, two significant construction projects such as these would greatly assist the local building community, which has struggled for work this past year. In addition, local jobs would certainly be added benefitting the local economy, which exceeded 15% unemployment in February 2009. Finally, neither of these two projects translates into additional county positions at this time.

With the voters of Catawba County approving the new ¼ cent sales tax, funds have been accumulating since April 2008 totaling \$4.1 million through February 2009, exceeding budgeted estimates over that period.

Steve Allan's estimated costs for the Justice Center Expansion project are \$23.8 million, of which \$675k is in hand from a prior closed project. Construction estimates for the Public Safety Center are \$9.6 million, of which \$2.6 million is in hand (\$2 million from 911 funds and \$600k from a prior closed project); however, only \$6.7 million is currently in the County's CIP. To help reduce the scope of the project, consideration has been given to relocating the N-C Rescue Squad to the Agriculture Resource Center in the space to be vacated by EMS, which would reduce the total project cost for the Public Safety Center by \$1.2 million.

The balance for both projects is planned to be financed with a portion of the ¼ cent sales tax revenue (approximately \$2.7 million of the \$5.0 million estimated per year), which is sufficient to retire the debt.

Mr. Miller stated that staff believed it was the right time to move forward with the next step in this project by engaging an architect for both project to take advantage of a local building community that is in need of work as well as historically low interest rates.

Steve Allen then came forward to present his space needs study. Mr. Miller indicated that the Justice Center project would be presented first, have a five minute break and then move forward to the Public Safety Center presentation.

Mr. Allen said this study included both operational and facility design objectives AND human objectives.

Chair Barnes questioned why the Register of Deeds was still proposed to be in the Justice Center rather than moving it to the Government Center as had been discussed in 1999. County Manager Lundy said that in 1999 when that idea was first brought forth, it was anticipated that the Government Center would be expanded but budget constraints had not facilitated that expansion so there was no room to move the Register of Deeds to the Government Center. Register of Deeds Donna Spencer said she believed that that office should remain in the Justice Center because citizens using the office and its services also needed the Clerk of Court's office and they should remain in the same facility.

Mr. Allen presented the study which culminated in the following recommendations:

- Relocation of the Communications Center and the Emergency Operation Center to a new County Public Safety Facility;
- Relocation of NC Dept. of Correction/Probation & Parole offices and Repay program elsewhere off site
- Provide as new construction major building additions adjacent and attached to the current Justice Center for the Clerk of Court, District Court, Superior Court and the Sheriff.
- Once current occupants have been relocated, provide renovations for the expansion of the District Attorney and Register of Deeds into space adjacent to their existing locations.

The proposed District Court addition and the Clerk of Court/Superior Court addition would require two-level structures to accommodate the square footage recommended.

- A limited access, staff only parking deck was included in recommendations

Recommendations regarding additional courtrooms are as follows:

- District Court – in addition to two current courtrooms, three additional courtrooms at the upper level and one addition large courtroom and a formal Hearing Room (Clerk of Court, Magistrate) would be added at the lower level.
- Superior Court – in addition to two current courtrooms, two additional courtrooms would be added.
- Additional support space would be included for both District and Superior Court. (public waiting/courtroom lobby space, offices, programs space, support staff, meeting and interview rooms, jury assembly, grand jury, central security control and dedicated lounge/work areas for both attorneys and law enforcement personnel.

Estimated costs are listed above in Mr. Miller's introduction.

Commissioners' questions following the presentation included: the total acreage for the entire campus (100 acres); Public Safety Site (8 acres available); could there be a combined training room for Sheriff's Office and Public Safety (yes, but Public Safety technology is very complex as well as the maintenance of that equipment so its use needed to be controlled and the Sheriff's Office had its own unique requirements).

Chair Barnes then opened the questions to the Court Personnel present:

Judge Poovey – the 20 year plan should be a 50 year plan. The Justice Center built in 1980 was out of space in 2000 – shell space should be utilized so we are not in the same situation 20 years from now. Gaston County and Charlotte has used this plan with shell space and are prepared for growth – and he would love the Board to tour those facilities.

AJ Coutu - (Assistant to Judge Brady) – repeats Judge Poovey's concerns regarding space and growth rate. Currently the limited space is restricting scheduling court.

Sheriff Huffman – agreed with Judge Poovey – said original facility was only a 15 year plan and did not anticipate all the different types of courts – i.e. drug courts, etc. – Shell space should be built and everything should be on one campus – the Hickory Court is inefficient.

Commissioner Beatty asked Judge Poovey about the efficiency of the Mecklenburg court system and he attributed it to the number system and the room which was available for this type court.

Al Jean Bogle – staff follows the increase in population and her staff has increased by 14 in 10 years – she strongly supported the shell idea.

Donna Spencer – needs space – needs vault space – required to keep paper copies as well as electronic copies of documents.

Commissioner Hunsucker questioned whether material costs have gone down – Mr. Allen said labor costs had gone down much more than materials. Mr. Miller added the CVCC Simulated Hospital was bid at \$55 square foot.

A five minute break was taken at this time.

Mr. Allen presented the remainder of his program which was on the Public Safety Center.

Recommendations included:

- 8 acre site located behind and to the west of the new Detention Center and north of the maintenance Garage.
- Building would house
  - Emergency Communications
  - Administration & Support
  - 911 Call Center
  - Emergency Operation Center (EOC)
  - Emergency Services Department
    - Emergency Services Administration
    - Fire-Rescue Services
    - Veteran's Services
    - EMS Administration
    - Newton EMS Base
  - Newton-Conover Rescue Squad
- 2 level building with a total Space of 60,885 GSF
- Proposed Central Storage & Base Medical Supply facility and an Emergency Incident Response Vehicle Garage (separate but convenient to main building)

Estimated costs listed above in Mr. Miller's introduction.

Commissioners' questions following the presentation included: How would this affect response time for Newton-Conover Rescue (providing excellent response time now – proactive in looking at district to maintain or improve current response time – it might be the ARC is a better site for their total response time – Board most likely voting for ARC location); access to Radio Station Road (talking to DOT about gaining control of light on HWY 321); How will Newton-Conover Rescue going to the ARC impact the cost of the new facility (reduce it – estimated to be a reduction of about \$1.2 million); Notification light on radio station road (needs DOT approval, - anywhere a facility is place, there will be road issues that have to be addressed); Why medical supplies in a free standing building (more than medical supplies, emergency management supplies also – will be a central distribution point – free standing for reasons of loading and unloading tractor trailers so that they do not inhibit entry/exist of emergency vehicles– but it could be attached and that will be examined); technology costs included in quoted prices (yes); Public Safety Center with all cost without emergency vehicle garage was given – why? (just another area where costs could be reduced or delayed). Design and construction would take how long (3 years); Should Public Safety be done first so the Sheriff can be moved into the vacant spot (but needs for Courts are the pressure points and Sheriff's needs not as critical).

Mr. Miller said total for both projects was \$30 million with a proposed 20 year financing for the Public Safety Center and phase 1 and phase 2 for the Justice Center with a 15 year financing, then do Sheriff and parking deck when that was paid off. The revenue stream from the ¼ cent sales tax was dedicated for these two projects, economic development and water and sewer and school current expense. To finance these two projects it would take a little over half of the revenue of the ¼ cent sales tax. – some money is in hand for this (\$2.6 mil) and we have been collecting the ¼ cent sales tax since last April. Chief Information Officer Terry Bledsoe said there is currently a desperate need for space and more is needed for future technology.

County Manager Lundy clarified staff's recommendation was for the Board to authorize staff to seek architectural firms for each projects – separate firms which specialize in each type of building.

Chair Barnes asked if staff was looking for action by the Board at this meeting and Mr. Miller affirmed that. It was suggested that after architectural firms were selected that the Board and architects visit the Gastonia or Mecklenburg courthouses as was done with the jail.

Chair Barnes asked County Manager Lundy to give an update on a different study completed by TechSolve regarding the courthouse. Mr. Lundy stated the Board had accepted the report and authorized Mr. Lundy to work with court officials. They have set up a court improvement board and contracted with Repay to start work on that and they will meet once a month. Looking at computerization, visiting other courtrooms to see what technology they have in the courtrooms and looking at the daily census in the jail. This is a trial contract through the end of December. These efforts are on the operation side vs. the space side. Members of this Board gave input to Mr. Allen in the compilation of his study.

Chair Barnes asked to discuss the future of sale tax and how it could impact how this effort moved forward. Mr. Miller replied that his projections regarding sales tax would not require changing the proposed schedule on this project. Assistant County Manager Lee Worsley advised the Board that it was too early to know what affect the State's budget actions would have on the ¼ cent sales tax.

Chair Barnes then asked if the Board should move forward with architect selection to at least get the design and development on this project and then make the decision to move forward. It was noted the Board would have approval on each phase of the project. Mr. Miller said the request for RFQ's (requests for qualifications) could be put out there and with a 45 day response time, the State budget could be in by the time RFQ's were received. This is just a request for proposals only.

Commissioner Hunsucker stated that the Board had to do something – the Board had committed to taxpayers that the ¼ cent sales tax would be used for this purpose. Commissioner Barger agreed with this but his concern was with the uncertainty of the funding source based on the State budget. Commissioner Beatty voiced her concern with moving ahead with the project when so many people were out of work.

Chair Barnes stated it was prudent to move ahead with the plan and just because they had the plan in hand didn't mean they had to proceed or commit to the largest expenditures. Chair Barnes asked for a motion. Commissioner Barger made a motion to move forward with solicitation of architects for the two projects. Mr. Miller said a team would examine the RFQ's and make recommendations to the Board. Commissioner Barger said he would prefer the motion include a no earlier date to come back to the Board and that date was set for no earlier than the mid-July meeting. The motion carried unanimously.

9. Adjournment: Chair Barnes adjourned the meeting at 6:25 p.m.

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Katherine W. Barnes, Chair  
Board of Commissioners

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Barbara E. Morris, County Clerk